



WEB COPY



CRP(MD).No.669 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 02.04.2026

CORAM

THE HON'BLE MR. JUSTICE **V.LAKSHMINARAYANAN**

CRP(MD). No.669 of 2026
and CMP(MD)No.3111 of 2026

1. Rengasamy

2. Govindan

... Petitioners/Respondents/Defendants

Vs.

Muthusamy

... Respondent/Petitioner/Plaintiff

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the Fair and Decretal order dated 07.10.2025 made in I.A.No.03 of 2025 in O.S.No.02 of 2023 on the file of the District Munsif Cum Judicial Magistrate Court, Karambakudi, Pudukkottai District, and allowed this Civil Revision Petition.

For Petitioners : Mr.A.V.Rajasekaran

For Respondent : No appearance

ORDER

The Civil Revision Petition challenges the order passed by the learned District Munsif-cum-Judicial Magistrate, Karambakudi,



CRP(MD).No.669 of 2026

Pudukkottai District in I.A.No.03 of 2025 in O.S.No.02 of 2023 dated 07.10.2025. The civil revision petitioners are the defendants in the suit.

2. For the sake of convenience, the parties are referred to as per the ranks in the Trial Court.

3. O.S.No.2 of 2023 is a suit for bare injunction. It was originally presented before the District Munsif Court at Pudukottai, as O.S.No.109 of 2015. Thereafter, it was transferred to the file of the District Municipal Court, Alangudi. Finally, it found its way to the file of the District Munsif Court, Karambakudi, and was re-numbered as O.S.No.2 of 2023.

4. Even while the suit was pending before the District Munsif at Pudukottai, the defendants had filed a written statement. In the said written statement, they had pleaded that the property, which is the subject matter of the suit, had been alienated in favor of one Chellammal.



CRP(MD).No.669 of 2026

5. After the evidence was over and the matter had reached the stage of arguments, the plaintiff filed an application in I.A.No.1 of 2025 seeking to implead the said Chellammal and the State authorities as parties to the suit. This application was opposed by the defendants.

6. The learned District Munsif by an order dated 12.08.2025 dismissed I.A.No.1 of 2025. Instead of challenging the order under revision before this Court, the plaintiff had filed an application in I.A.No.3 of 2025 seeking to review the order passed on 12.08.2025. The review petition has been allowed. Hence, this revision at the instance of the defendants.

7. This Court entertained the revision and ordered notice to the respondent. The plaintiff has refused to receive the notice. The notice sent to Mr.Murugesan, the learned counsel, who represented the plaintiff before the Trial Court, has been "served". The name of the respondent is printed. There is no appearance on his behalf.

8. I heard Mr.A.V.Rajasekaran for the petitioner. I have gone through the records.



CRP(MD).No.669 of 2026

9. The plaintiff has filed an application in I.A.No. 3 of 2025 for review. The affidavit does not disclose the "error apparent on the face of the record" of the order dated 12.08.2025. The affidavit merely states that the presence of the proposed parties is essential for disposal of the case. It was the very same ground on which I.A.No.1 of 2025 had been presented. It was dismissed by the Trial Court on 12.08.2025. If the petitioner was aggrieved by the said order, the remedy was to approach this Court by way of a revision.

10. Error apparent on the face of the record is *sine qua non* for the purpose of maintaining a review under Order XLVII Rule 1 C.P.C. When no error is pointed out in the order dated 12.08.2025, a Review Petition is certainly not entertainable. The learned District Munsif-cum-Judicial Magistrate, Karambakudi, Pudukkottai District, does not exercise the power of revision to set aside the order passed by his predecessor for the asking. As the affidavit does not disclose any error apparent on the face of the record, nor does the order dated 07.10.2025, I am constrained to interfere.

11. Accordingly, the order dated 07.10.2025 made in I.A.No.03 of 2025 in O.S. No.02 of 2023 on the file of the learned District



CRP(MD).No.669 of 2026

Munsif-cum-Judicial Magistrate, Karambakudi, Pudukkottai District,
is set aside. I.A.No.3 of 2025 stands dismissed. In fine, this revision is
allowed. No costs. Consequently, connected miscellaneous petition is
closed.

12. Allowing this revision will not stand in the way of the
plaintiff to prefer a revision against the order dated 12.08.2025 passed
by the learned District Munsif-cum-Judicial Magistrate,
Karambakudi.

02.04.2026

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
CM



CRP(MD).No.669 of 2026

To,

1.The District Munsif Cum Judicial Magistrate Court,
Karambakudi,
Pudukkottai District

2.The Section Officer,
V.R.Records,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CRP(MD).No.669 of 2026

V. LAKSHMINARAYANAN, J

CM

CRP(MD). No.669 of 2026
and CMP(MD)No.3111 of 2026

02.04.2026